

TOWN OF POLK
BOARD OF ZONING APPEALS MINUTES
December 11, 2008
Page 1

I. Call Meeting to Order - 6:30 p.m. at the Town of Polk Town Hall, 3680 Hwy 60, Slinger.

The meeting of the Board of Zoning Appeals was called to order by Chairman Art Melius at 6:30 p.m. at 3680 Hwy 60, Slinger.

A. Official Meeting Notification -

Notice of the Meeting was posted at the Town Hall, Highway View School and Cedar Lake Hills bulletin boards as well as faxed to the West Bend Daily News, Hartford Times Press, WBKV, WTKM, Milwaukee Journal Sentinel, and posted on the Town of Polk website. All interested parties were also notified.

B. Roll Call - Board members present: Chairman Art Melius, Karen Reiter, Mary Franz, Patrick Fehring, Rodney Bartlow, and Judy Stephenson, Zoning Secretary.

List of guests is attached. (See page)

C. Approval of Agenda - A motion was made by Mary Franz to approve the Agenda for December 11, 2008, seconded by Patrick Fehring. Motion carried unanimously by voice vote.

D. Approval of Minutes - September 25, 2008- A motion was made by Mary Franz and seconded by Rodney Bartlow to approve the minutes of September 25, 2008. Motion carried unanimously.

II. Public Hearing - Dorothy Hanson, 4790 Edgewood Drive, Slinger. Judy Stephenson, Zoning Secretary, read the Notice of Public Hearing for Dorothy Hanson.

A. Variance request to Section 6.04 (2) of the Zoning Ordinance of Title X of the Municipal Code of the Town of Polk to allow a variance of 10 feet from the minimum 50 foot front yard setback requirement to reconstruct and enlarge an attached deck. Tax Key #T9-0097-066, Section 5, Substandard Lot, Zoned R-1 Residential.

Dale Spaeth spoke on behalf of Dorothy Hanson. He stated that the house was built in the 1960's and at the time there was no treated lumber; deck was built onto the front of the house and the joists were cantilevered out from the house and the joists supporting the deck go back into the house; now the joists are rotting off and the deck is becoming unsafe to use. He further stated that to solve this problem the joist would be cut off flush with the house and reattach a rim board on the front of the house and add joist back on and support it with posts on the outside. Mr. Spaeth stated that if he reconstructed the current a 4 ft. deck, that would put the posts on the current sidewalk area; since the house is already a little too close to the road, they would like an additional 2 ft. to construct a 6 ft. deck. He then stated that in order to get away from posts altogether it would require tearing the whole ceiling out of the house because for every foot you

TOWN OF POLK
Zoning Board of Appeals Minutes
December 11, 2008
Page 2

go out, you have to go back two feet into the house for support.

In response to a question from Mary Franz, Mr. Spaeth stated that the new deck would be a wrap around deck. He further stated that currently there are three patio doors that come out onto the deck but the present deck goes to nowhere and there is not much room for someone to pass by anyone seated in a chair. Also, he stated, the deck would be connected to an existing deck on the end of the house, also to be replaced.

Karen Reiter read section 8.03 of the Town Zoning Ordinance which addresses substandard structures. She stated that the side wrap around deck at current size would be OK but the deck should not be extended forward since that would make a nonconforming structure more nonconforming.

Arthur Melius stated that since there would be support posts installed, aesthetically it would not look good to have the posts on the current sidewalk area and to relocate the sidewalk closer to the road. Further discussion was held.

Mary Franz stated that there is a utility easement across the road so there would not be an encroachment to a residence. She further stated that the road in front was used primarily by the local residents and it was unlikely it would become a thorough fare in the future. Rodney Bartlow stated that the other side of the road would never be developed because of the utility lines there. Mary Franz stated that the house is architecturally plain in front and the new deck as proposed would dress it up. Dale Spaeth stated that to the west and down the hill is a house on the corner of the intersection that has a garage that is closer to the road on each corner than the deck would be. Mary Franz stated that a deck is a secondary use, as opposed to extending a garage or a house with living space; a deck is not used all year round.

Arthur Melius stated that in his opinion, a deck supported by posts is the best approach and adding an extra two feet onto the deck would be agreeable. Patrick Fehring stated that while he understands the concern about making this structure more nonconforming, the additional two feet does make more sense in order to give proper support and is not a substantial amount to ask for. Further discussion was held. Arthur Melius stated that he did not believe the Board would be setting a precedent by granting the variance. Karen Reiter stated that with no houses across the road or a house next door that would want to have a porch variance, this should not be setting a precedent. Rodney Bartlow stated that compared to the other nonconforming lots that the Board has dealt with, this one is not nearly as difficult.

TOWN OF POLK
Zoning Board of Appeals Minutes
December 11, 2008
Page 3

Chairman Arthur Melius closed the Public Hearing and the Board considered the findings.

Mary Franz read the findings:

1. Preservation of intent - the use is permitted in the R-1 Residential district.
2. Exceptional circumstances - the substandard sized lot with repairs needed on the structure. To properly repair the deck requires that it be extended the additional two feet to install footings for support structure for the deck.
3. Economic Hardship and Self-Imposed Hardship Not Grounds for Variance - There is no self-imposed or economic hardship.
4. Preservation of Property Rights - It would be consistent with the right to have a safely constructed deck.
5. Absence of Detriment - There would be no detriment..

Decision - The Board agreed to grant the variance.

Motion by Mary Franz and seconded by Patrick Fehring to approve the variance as requested. All voted in favor and the motion passed.

IV. Adjournment

Motion to adjourn made by Mary Franz and seconded by Patrick Fehring. All voted in favor and the meeting was adjourned at 6:47 p.m.

Respectfully Submitted,

Judy Stephenson
Zoning Secretary

